
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

JAMEE RUDD,

Plaintiff,

v.

GENERAL RV CENTER, INC., d/b/a/
GENERAL RV CENTER,

Defendant.

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS CASE WITHOUT
PREJUDICE**

Case No. 2:20-cv-00523-RJS-CMR

Chief Judge Robert J. Shelby

Magistrate Judge Cecilia M. Romero

Now before the court is Defendant's Motion to Dismiss Plaintiff's Complaint for Failure to Appear or Appoint Counsel (Motion),¹ brought pursuant to Rule 16(f)(1) of the Federal Rules of Civil Procedure, DUCivR 7-1, and DUCivR 83-1.4(e)(5). For the reasons set forth below, the court GRANTS the Motion and dismisses Plaintiff Jamee Rudd's Complaint² without prejudice.

On February 4, 2021, Magistrate Judge Cecilia M. Romero granted Rudd's counsel's Motion for Withdrawal.³ In that Order, Judge Romero ordered Rudd or new counsel to file a Notice of Substitution of Counsel or Notice of Appearance within twenty-one days of the entry of the Order.⁴ The Order also explained that failure to do so may subject Rudd to sanctions, "including but not limited to dismissal or default judgment" pursuant to Federal Rule of Civil

¹ Dkt. 14 (Motion).

² Dkt. 2 (Complaint).

³ Dkt. 13 (Order).

⁴ *Id.* at 1–2.

Procedure 16(f)(1).⁵ Neither Rudd nor new counsel for her filed a Notice of Appearance in this case.

On March 24, 2021, General RV filed its Motion.⁶ Rudd has filed no response to the Motion.

On April 22, 2021, this court issued an Order to Show Cause,⁷ requiring Rudd to show why this case should not be dismissed for failure to prosecute. In that Order, the court informed Rudd that her failure to respond within fourteen days would result in dismissal of her suit without prejudice.⁸ Rudd has failed to respond to the Order to Show Cause.

Because Rudd has failed to appear or appoint counsel, oppose Defendant's Motion, or respond to the Order to Show Cause, the court GRANTS the Motion and dismisses this case without prejudice based on these failures to prosecute.⁹ The Clerk of Court is directed to close the case.

SO ORDERED this 12th day of May 2021.

BY THE COURT:



ROBERT J. SHELBY
United States Chief District Judge

⁵ *Id.*

⁶ Dkt. 14 (Motion).

⁷ Dkt. 15 (Order to Show Cause).

⁸ *Id.* at 2.

⁹ General RV moved the court to dismiss this case with prejudice, but the court finds that dismissal without prejudice is more appropriate where there has been no adjudication on the merits of any claims.